

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOE FACUNDO,

Plaintiff,

v.

HILL, et al.,

Defendants.

Case No. 1:22-cv-0285 JLT SKO (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION WITHOUT PREJUDICE FOR  
FAILURE TO OBEY COURT ORDERS AND  
FAILURE TO PROSECUTE**

(Doc. 12)

Joe Facundo seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Because Plaintiff failed to obey the Court's order and failed to prosecute this action, the magistrate judge recommended the action be dismissed without prejudice. (Doc. 12.) at 4.) These Findings and Recommendations were served by mail on May 1, 2023. They informed Plaintiff that any objections were due within 14 days of the date of service. (*Id.*) In addition, the Court advised Plaintiff that the "failure to file objections within the specified time may result in waiver of his rights on appeal." (*Id.* at 4-5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991). To date, Plaintiff has not filed objections, and the time to do so has expired.

According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this

1 case. Having carefully reviewed the matter, the Court concludes the Findings and  
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations issued on May 1, 2023 (Doc. 12) are  
4 **ADOPTED** in full.
- 5 2. The action is **DISMISSED**, without prejudice, for Plaintiff's failure to obey court  
6 orders and failure to prosecute.
- 7 3. The Clerk of the Court is directed to close this case.

8  
9 IT IS SO ORDERED.

10 Dated: **May 24, 2023**

  
UNITED STATES DISTRICT JUDGE